

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This amendment is in response to the Office Action dated March 7, 2005. Appreciation is expressed to the Examiner for allowance of claims 13-15, 17, 18, 20, 21, 23 and 24.

By the present amendment, claims 19 and 22 have been amended for clarification of the invention, as will be discussed below.

At the outset, reconsideration and removal of the rejection of claim 16 over U.S. Patent Appln. 2004/0238965 to Iwasaki is respectfully requested. With regard to this, it is noted that the earliest date to which the Iwasaki reference is entitled under 35 USC §102(e) is February 23, 1999. Accompanying the present amendment is a Sworn Translation of the Priority Document JP Pat. Appln. No. 11-006108, which was filed in Japan on January 13, 1999 prior to the earliest filing date to which the Iwasaki document is entitled to under 35 USC §102(e). Therefore, removal of Iwasaki as a reference, and removal of the rejection of claim 16 under 35 USC §102(e) is earnestly solicited.

Reconsideration and allowance of independent claim 19 over the references to Bronner, Pasaras and Hieda, whether considered alone or in combination with one another, is also respectfully requested. As recognized in the Office Action, the primary reference to Bronner fails to teach or suggest a gate electrode with ruthenium, iridium or osmium as a main constituent. On page 5 of the Office Action, Pasaras is cited for teaching platinum. However, claim 19 has been amended to eliminate platinum as one of the main constituent elements. Therefore, neither

Bronner nor Pasaras teach or suggest the remaining materials of ruthenium, iridium or osmium as a main constituent element of a gate electrode. Therefore, removal of the rejection based on the combination of Bronner and Pasaras is respectfully requested.

With regard to the combination of Bronner and Hieda, by the present amendment it is now defined that, as an added element, "at least one element selected from palladium (Pd), cobalt (Co), nickel (Ni) and titanium (Ti)" is used. Hieda fails to teach or suggest any such arrangement utilizing the claimed added elements. Therefore, reconsideration and removal of the rejection of claim 19 based on the combination of Bronner and Hieda is also respectfully requested.

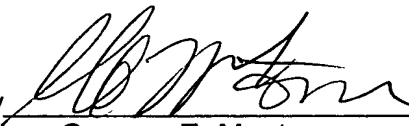
Reconsideration and allowance of claim 22 over the combination of Bronner and Pasaras is also respectfully requested. Like claim 19, claim 22 has been amended to delete platinum as a main constituent element for the second conductive film defined in claim 22. As noted above, Pasaras teaches platinum, but fails to teach or suggest the use of ruthenium, iridium or osmium as a main constituent element for the claimed second conductive film. Therefore, it is respectfully submitted that amending claim 22 also defines over the combination of Bronner and Pasaras and reconsideration and allowance of claim 22 is also respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the

Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, Deposit Account No. 01-2135 (Docket No. 500.39912CX1), and please credit any overpayment of fees to the same account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 

Gregory E. Montone
Reg. No. 28,141

GEM/dks

N:\500\39912CX1\AMD\BX9360.DOC

1300 North Seventeenth Street, Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666